

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

H&S CONTRACTING, INC., et al,

Civil Nos. 17-355 (JRT/LIB)

Plaintiffs,

v.

KINETIC LEASIN, INC, et al,

**ORDER ADOPTING REPORT
AND RECOMMENDATIONS**

Defendants,

H&S Contracting, Inc, and Tracy A. Hazelton, *pro se* plaintiffs.

Joseph A Wetch , Jr, **SERKLAND LAW FIRM**, 10 Roberts Street, P.O.
Box 6017, Fargo, ND 58108-6017, for defendant Kinetic Leasing, Inc.

Jeffry C Braegelmann, **GISLASON & HUNTER LLP - NEW ULM**, PO
Box 458, New Ulm, MN 56073-0458, for defendant First Bank & Trust.

Based upon the Report and Recommendation of United States Magistrate Judge
Leo I. Brisbois, and after an independent review of the files, records and proceedings in
the above-entitled matter, **IT IS HEREBY ORDERED** that:

1. Defendant First Bank and Trust's Motion for Summary Judgment, [Docket
No. 30], is **GRANTED in part and DENIED in part**.
2. The proceeds from the September 16, 2016, sale of the Equipment which
are on deposit with the Court should be distributed to First Bank & Trust.
3. Defendant Kinetic Leasing, Inc.'s Motion for Summary Judgment, [Docket
No. 43], is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 6, 2018
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court